

**City of San Diego
Commission for Arts and Culture**

**Public Art Committee
Handbook**

May 15, 2001

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PUBLIC ART COMMITTEE

The Public Art Committee (PAC) is responsible to recommend and advise the Commission on public art policies and procedures and general issues pertaining to art in public places. The PAC reviews public art projects that are sited on City property, reviews proposed donations of artwork to the City, establishes public art project initiatives, encourages public art partnerships with other public agencies, and advises and assists private property owners and others regarding the selection and installation of works of art to be located in the public view.

The PAC evaluates policy and procedures for the administration of the City's precedent-setting Public Art Policy that encourages artist participation at the inception of city design and building projects. PAC members assist in the development of application guidelines and in the adjudication of applications for funding. PAC members also may participate in artist and artwork selection processes.

Current initiatives of the PAC include the creation of a program to purchase existing artworks by San Diego County artists, the establishment of a collections management system, the development of a series of public art tours, and programming of special lectures and workshops. PAC will assist in assessing the Public Art Policy and foster existing and new partnerships with the Port, San Diego Convention Center Corporation, Metropolitan Transit Development Board, Caltrans and others.

I. MISSION STATEMENT

The mission of the City of San Diego Commission for Arts and Culture is to vitalize the city by integrating arts and culture into community life while supporting the region's cultural assets and showcasing San Diego as an international cultural destination.

II. INTRODUCTION

This handbook is intended to provide guidelines for the conduct of the Public Art Committee (PAC) and its members. It is the purpose of the PAC to recommend to the Commission policies and procedures that promote, encourage and increase support for art in public places.

A. Duties and Functions

PAC duties include:

- Recommend and advise the Commission on public art policies and procedures and general issues pertaining to art in public places. The PAC reviews public art projects that are sited on City property as appropriate, reviews proposed donations of artwork to the City, recommends public art project initiatives, encourages public art partnerships with other public agencies, and advises and assists private property owners, as appropriate, and others regarding the selection and installation of works of art, to be located in the public view.
- Develop annual strategies for the selection, placement and maintenance of works of art commissioned, purchased and otherwise acquired by the City of San Diego.
- Promote the quality of public art through a variety of measures including: involvement with artist nominating and selection panels, recommend approval of proposed artworks for commission, purchase or donation, conduct an annual assessment of the Public Art Program and its projects. (Public art assessment plan may include: an economic impact report, surveys of individuals and/or community groups and reports on press, awards and honors for artworks).

III. NOMINATION AND SELECTION CRITERIA FOR MEMBERSHIP

A. Membership nominations may be made by any interested San Diego County resident. In addition, nominations are solicited from the following entities:

- From existing and former PAC members
- From the general public

B. The criteria used in making selections for PAC membership include:

- Professional qualifications and experience or knowledge of a particular arts and/or culture field

- In-depth knowledge of the San Diego arts and culture community and/or San Diego neighborhoods
- Communication and decision-making skills, and ability to work well in a group
- The PAC's composition should be a reflection of the community it serves; expressing its diversity of race, sex, culture, ethnicity, age, socioeconomic class, sexual orientation, geography, etc.
- Past performance as a Commission committee member, PAC member or volunteer

IV. TERMS AND MEMBERSHIP

A. A member of the Commission will chair the PAC. The PAC consists of no more than 15 members. Membership may include representation from the Commission, by artists and allied professionals (architects, landscape architects, engineers, graphic designers, arts administrators and patrons) along with citizens with visual arts expertise or interest. Members serve two year staggered terms for a maximum of 4 years and each member serves until a successor is duly appointed and confirmed. An interval of two years must pass before an individual can be reappointed. All members will be appointed by the Commission.

B. CIP Project Managers and City Staff

Three to five additional ex-officio memberships will be given to Capital Improvement Project managers and members of the City staff. Designated seats will be given to a member of the Centre City Development Corporation and a member of the Community Development Department. These memberships will be assigned by the appropriate City department directors.

C. Guidelines for Voting

Artist Members of the PAC:

One to three voting memberships may be given to practicing artists, who otherwise meet the criteria for serving on the PAC. Artists serving on the PAC are not eligible to submit for public art projects over which the PAC has approval authority or administrative responsibility, and may not engage in contracts related to City public art projects unless the contracts were awarded prior to their appointment to the PAC. An artist serving on the PAC who has been engaged by the City, or its contractor, prior to their appointment to the PAC may not discuss, or be present for the discussion of his/her project.

CIP Managers and City staff members of the PAC:

Three to five ex-officio memberships may be given to CIP managers or City staff members, who otherwise meet the criteria for serving on the PAC. Ex-officio members do not vote.

D. Conflict of Interest Guidelines

Declaring a conflict of interest does not mean that a PAC member cannot serve; it simply means that the PAC member may not discuss or vote on those projects for which the conflict exists. A PAC member who has a “potential” conflict of interest shall disclose the potential conflict of interest to Commission staff before the discussion of the project begins. PAC members declaring conflicts of interest will be asked to leave the room during discussion and voting on those projects for which they have a conflict.

Commission conflict of interest guidelines are intended to implement the Conflict of Interest Code that is adopted by the City Council under the California Political Reform Act. It is also intended to implement City Council Policy 000-4 (see Appendix), which is the Code of Ethics for all city employees and board and commission members. In particular, these guidelines assist Commissioners and community members who serve as PAC members in determining when they should disqualify themselves from participating in discussions and decisions.

E. Disqualifications from Participating in Certain Decisions While on Committee:

Actual Conflicts

For purposes of disqualification from participating in or making decisions as a PAC member, an “actual” conflict of interest exists if a PAC member (or a member of PAC member’s immediate family) has a “financial interest” in one of the projects that appears before the panel for review. If an actual conflict of interest is determined to exist, the PAC member must disclose the nature of the conflict and should disqualify him or herself from participating in discussions, or making decisions, on any matter affecting the project. The PAC member should leave the room during discussions and voting on matters affecting the project.

Apparent Conflicts

Although there is no “financial interest” and therefore no actual conflict of interest, sometimes a PAC member may find that he or she is so strongly attached to a particular project that the PAC member cannot be fair in their discussion and recommendations concerning it. Likewise, a PAC member may feel a strong animosity for a particular project or involved entity for reasons unrelated to “financial interests” in that project or involved entity. This is what is known as “apparent conflict.” If a PAC member’s personal feelings are so strong that his or her judgement will be impaired and he or she can not fulfill the duties of a PAC member, then the PAC member should refrain from participating in discussions or voting on matters giving rise to the “apparent conflict.”

V. QUORUM

One-half the committee membership plus one additional person constitute a quorum authorized to transact business. Committee members are not entitled to grant proxies.

VI. MEETINGS

Regular Meetings

Regular Meetings of the PAC shall be held not less than every other month at a time and place to be determined in consultation with the PAC members. The PAC shall report to the Commission on an as-needed basis.

Public Notice

Notice of all regular and special meetings shall be given to the public in compliance with the applicable laws and policies including the Ralph M. Brown Act (codified at California Government Code Sec. 54950 et. Seq., SDMC Sec. 22.0101 and City Council Policy 000-16 - see Appendix).

Attendance

PAC members are expected to attend regular meetings and sub-committee meetings. Failure to attend a minimum of 50% of the regular meetings in a given calendar year, or unexcused absence from three consecutive meetings may result in a recommendation to forfeit the member's position for cause.

VII. SUB-COMMITTEES

The Committee Chair may appoint sub-committees for such tenure and such purposes as the PAC may from time to time determine. Examples of possible sub-committees include:

- Nominating/Request for Participation in PAC
- Strategic Planning (Annual Plan and Program Assessment)
- Purchase and Donation
- Public Affairs and Education

Sub-committees may be comprised of no less than three and no greater than six PAC members. For annual planning purposes, each committee shall be responsible for an evaluation of their activities and the formulation of recommendations for the future. Reports from all sub-committees shall be made at regular PAC meetings and incorporated into the minutes of the proceedings.

VIII. GIFTS AND DONATIONS OF ARTWORK

City of San Diego has a City Receipt of Donation policy (100-02 - see Appendix), with amended guidelines - but it is vague. Based on the assumption that potential donors will request a specific site for a work of art, it states that "the City agency or department (if applicable) that operates or maintains the site of the proposed work of art shall consult the Commission for Arts and Culture ..." and goes on to say that the Commission will consult an advisory board which will review the proposed donation and recommend to accept or reject it. All recommendations are reviewed by the City Council.

As there is no language in City Council Policy 100-02 for gifts offered without a site, the following process has been developed:

- a. Chair of PAC creates subcommittee for reviewing donation proposals
- b. Subcommittee recommends to accept or reject donation based on the Review Process set out in the Guidelines for the Donation of Works of Art to the City of San Diego (see Appendix).

IX. ART AND ARTIST SELECTION PROCESSES

There are several types of art and artist selection processes: Open Competitions, Limited Competitions, Invitationals, Direct Selection, Mixed Process and Direct Purchase. The selection process to be used for any given project will be determined at the inception of the project and is dependent on many factors which may include: budget, timeline, scope of work (i.e. building or campus area, bridge, floor, window treatments, outdoor sculpture). The selection process is organized by the Commission staff.

1. Open Competitions

Following public notification of a project, any artist may submit qualifications or proposals, as indicated by the prospectus. The competition may be held in two stages, so that artists selected by initial qualifications or proposals are then invited for an interview or requested to develop more detailed project proposals for the second round of review.

2. Limited Competitions

A competition which is defined by certain perimeters. For example, a competition may be limited to San Diego, regional or California artists, or to artists working in a specific medium (i.e. sculpture, painting, metal, glass).

3. Invitationals

One or more artists are invited by an artist selection panel to submit credentials for a specific project. Or, one or more artists are invited by an artist selection panel to be interviewed for a specific project.

4. Direct Selection

An artist (or group of artists or artist team) is chosen directly by an artist selection panel or

by a consultant on a City of San Diego Capital Improvement Project. This process can be employed in circumstances where an Open or Limited Competition or an Invitational would be inappropriate or impractical, such as a very short project timeline or very specific project requirements.

5. Mixed Process

A two-tiered process or a process that combines any of the above selection processes.

6. Direct Purchase

A completed work of art is selected for purchase by an artwork selection panel or by using any of the above selection processes, as appropriate.

X. PUBLIC ART PROGRAM COMMUNITY ADVISORY PANELS

The City of San Diego Commission for Arts and Culture promotes artist involvement in certain City design and building projects. Public Art Program Community Advisory Panels (CAPs) play an important role in reviewing and ranking applications and selecting appropriate artists for involvement in these projects. Each fall, a call for CAPs is sent out to the general community. Respondents meeting the CAP criteria are selected throughout the year to serve.

CAP membership includes representation from diverse sectors of the visual arts and design professions. Members should exhibit knowledge, understanding, and dedication to the highest professional standards within their field, such as visual arts, architecture or urban planning.

In order to participate as a CAP member, individuals must agree to attend panel and interview meetings. Typically these are half-day meetings, but can expand to two days in special cases - such as the review of materials from a national call for artists.

Nominations may be made by any interested individual or organization based in San Diego County.

Selection Criteria

- Professional qualifications and experience or knowledge of a particular visual arts and/or design field
- In-depth knowledge of the San Diego arts community and/or San Diego neighborhoods
- Communication and decision-making skills, and ability to work well in a group
- Diversity – race, sex, culture, ethnicity, age, socioeconomic class, sexual orientation, geography, etc.
- Past performance as a Commission committee member, CAP member or volunteer

In addition, nominations are solicited from the following entities:

- Commission for Arts and Culture
- From existing and former CAP members
- From the general public

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